

SUPPLEMENTAL AMENDMENT & RESPONSE UNDER 37 CFR § 1.116 - EXPEDITED PROCEDURE  
Serial Number: 09/837602  
Filing Date: April 18, 2001  
Title: DNA ENCODING A DNA REPAIR PROTEIN

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Dkt: 800.019US2

### Remarks

Claim 25 is canceled, and claim 22 is amended. Claims 1-2, 4, 20-24, and 26-28 are pending. The amendments are intended to advance the application and are not intended to concede to the correctness of the Examiner's position or to prejudice the prosecution of the claims prior to amendment, which claims are present in an application related to the above-identified application. In particular, it is Applicant's position that claim 22, prior to the present amendment, satisfied the written description requirement of 35 U.S.C. § 112, first paragraph, as discussed in the Amendment filed on December 30, 2003.

Amended claim 22 is supported by page 4, lines 14-18, page 15, lines 3-5 and page 70, lines 12-14 of the specification.

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney 612-373-6959 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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February 26, 2004

By

  
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I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on the date shown below.

  
Dawn M. Poole

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